REMARKS

Claims 1-21 and 23 were previously cancelled. Claims 22, 24-33, 36 and 42-44 are being cancelled without prejudice to filing in a subsequent application. Claims 34-35 and 37-41 are being amended. Claims 45-53 are being added. Upon entry of the amendment claims 34-35, 37-41 and 45-53 will be pending in the application.

The amendment to claim 34 is supported by at least the specification at page 6 (bonding materials) and page 7, line 4 (drying using heated cylinders).

The amendment to claim 35 is supported by the specification at least at page 7, lines 5-20.

The amendment to claims 37- 41 changes dependency.

New claim 45 is supported by the specification at least at pages 4-7.

New claim 46 is supported by the specification at least at page 4, line 25.

New claim 47 is supported by the specification at least at page 4, lines 26-27.

New claim 48 is supported by the specification at least at page 5, lines 10-11.

New claim 49 is supported by the specification at least at page 5, line 14.

New claim 50 is supported by the specification at least at page 6, lines 1-11.

New claim 51 is supported by the specification at least at page 6, line 1.

New claim 52 is supported by the specification at least at page 7, lines 4-20.

New claim 53 is supported by the specification at least at page 4, lines 29-33.

The rejection of claims 22, 24-33, 36 and 42-44.

Claims 22, 24-33, 36 and 42-44 were rejected under a variety of bases and references. These claims have been cancelled without prejudice to filing in a later application obviating the rejection of these claims.

The rejection of claims 37-38 under 35 U.S.C. §102(b).

Claims 37-38 and 42-43 were rejected as having each feature and relationship anticipated by U.S. Patent No. 3,922,424 to Andersen.

Amended claims 37-38 depend from claim 34. Amended claim 34 recites in one

pertinent part: "A bonded casing paper comprising . . . cellulosic and synthetic fibres . . . bonded with regenerated cellulose or an epichlorohydrin containing resin . . ." The Anderson reference does not appear to teach or suggest use of these bonding agents. Claims 37-38 are patentable for at least this reason.

The rejection of claims 22, 24, 28-29, 31-32, 34 and 36 under 35 U.S.C. §102(b) or alternatively under 35 U.S.C. §103(a).

Claims 22, 24, 28-29, 31-32, 34 and 36 are rejected under 35 U.S.C. §102(b) as having each feature and relationship anticipated by U.S. Patent No. 3,922,424 to Andersen or alternatively under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 3,922,424 to Andersen.

Claims 22, 24, 28-29, 31-32 have been cancelled without prejudice to filing in a later application obviating this rejection.

As stated in MPEP §2143, to establish a *prima facie* case of obviousness three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine the reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

Claim 34 has been amended. Claim 36 has been amended to depend from claim 34. Amended claim 34 recites in one pertinent part: "A bonded casing paper comprising . . . cellulosic and synthetic fibres . . . bonded with regenerated cellulose or an epichlorohydrin containing resin . . ." The Anderson reference does not appear to teach or suggest use of these bonding agents. Claims 34 and 36 are patentable for at least this reason.

The rejection of claims 22, 24, 28-29 and 31 under 35 U.S.C. §102(b) or alternatively under 35 U.S.C. §103(a).

Claims 22, 24, 28-29 and 31 are rejected under 35 U.S.C. §102(b) as having each

feature and relationship anticipated by U.S. Patent No. 3,822,182 to Heyse et al or alternatively under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 3,822,182 to Heyse et al.

Claims 22, 24, 28-29 and 31 have been cancelled without prejudice to filing in a later application obviating this rejection.

The rejection of claims 22, 24 and 28-29 under 35 U.S.C. §102(b) or alternatively under 35 U.S.C. §103(a).

Claims 22, 24 and 28-29 are rejected under 35 U.S.C. §102(b) as having each feature and relationship anticipated by U.S. Patent No. 5,705,214 to Ito et al or alternatively under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 5,705,214 to Ito et al.

Claims 22, 24 and 28-29 have been cancelled without prejudice to filing in a later application obviating this rejection.

The rejection of claims 22 and 24-32 under 35 U.S.C. §102(b) or alternatively under 35 U.S.C. §103(a).

Claims 22 and 24-32 are rejected under 35 U.S.C. §102(b) as having each feature and relationship anticipated by U.S. Patent No. 6,762,138 to Ferreira et al or alternatively under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 6,762,138 to Ferreira et al.

Claims 22 and 24-32 have been cancelled without prejudice to filing in a later application obviating this rejection.

The rejection of claims 26-27 and 40-41 under 35 U.S.C. §103(a).

Claims 26-27 and 40-41 are rejected under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 3,922,424 to Andersen.

Claims 26-27 have been cancelled without prejudice to filing in a later application obviating this rejection.

Claim 34 has been amended. Claims 40-41 have been amended to depend from claim 34. Amended claim 34 recites in one pertinent part: "A bonded casing paper comprising . . . cellulosic and synthetic fibres . . . bonded with regenerated cellulose or an epichlorohydrin containing resin . . ." The Anderson reference does not appear to teach or suggest use of these bonding agents. Claims 40-41 are patentable for at least this reason.

The rejection of claims 26-27 under 35 U.S.C. §103(a).

Claims 26-27 are rejected under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 3,822,182 to Heyse et al.

Claims 26-27 have been cancelled without prejudice to filing in a later application obviating this rejection.

The rejection of claims 26-27 under 35 U.S.C. §103(a).

Claims 26-27 are rejected under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 5,705,214 to Ito et al.

Claims 26-27 have been cancelled without prejudice to filing in a later application obviating this rejection.

The rejection of claims 26-27 under 35 U.S.C. §103(a).

Claims 26-27 are rejected under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 6,762,138 to Ferreira et al.

Claims 26-27 have been cancelled without prejudice to filing in a later application obviating this rejection.

The rejection of claims 42 and 44 under 35 U.S.C. §103(a).

Claims 42 and 44 are rejected under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 4,623,566 to Kastl et al.

Claims 42 and 44 have been cancelled without prejudice to filing in a later

application obviating this rejection.

The rejection of claims 22, 24-30 and 32-42 under 35 U.S.C. §103(a).

Claims 22, 24-30 and 32-42 are rejected under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 6,395,356 to Wielockx et al in view of U.S. Patent No. 3,822,182 to Heyse et al.

Claims 22, 24-30 and 32-33 have been cancelled without prejudice to filing in a later application obviating this rejection.

- **The Office communication admits that the Wielockx reference does not teach or suggest all of the features of the present claims.**

Amended claim 34 recites in one pertinent part: "A bonded casing paper comprising a nonwoven web material comprising cellulosic and synthetic fibres selected from at least one of polyamide fibres, polyamide copolymer fibres, polyester fibres, polyester copolymer fibres, polyolefin fibres and polyolefin copolymer fibres . . . ." New claim 45 recites in one pertinent part: "preparing a slurry of cellulosic fibers and synthetic fibers selected from at least one of polyamide fibers, polyamide copolymer fibers, polyester fibers, polyester copolymer fibers, polyolefin fibers and polyolefin copolymer fibers . . ." Thus, both claims 34 and 45, and claims 46-53 dependent therefrom, recite the present of cellulosic fibers AND specified synthetic fibers. The Office communication at page 15 admits that: "Wielockx . . . fails to disclose the use of the combination of both cellulosic and synthetic fibers.

Amended claim 34 recites in one pertinent part: A bonded casing paper comprising . . . cellulosic and synthetic fibres . . . dried using a plurality of heated cylinders . . ." Claims 35 and 37-41 depend directly from claim 34 and also include this feature. New claim 45 recites in one pertinent part: "drying the bonded base web using a plurality of heated cylinders . . ." Thus, both claims 34 and 45, and claims 46-53 dependent therefrom, recite the present of cellulosic fibers AND specified synthetic fibers. The Office communication at page 15 admits: "As to claim 36, . . . Wielockx does

not specifically teach drying by means of a plurality of heated cylinders . . ."

Further, the Office communication admits at page 15: "As to claims 22, 29, 34, 37 and 42, . . . Wielockx fails to teach the inclusion of at least some woodpulp fibers in an amount of up to 50% by weight . . ." The Office communication admits at page 16: "As to claims 25-27 and 39-41, Wielockx in view of Heyse fails to disclose that the synthetic fibers are present in an amount ranging from . . . as required by claims 27 and 41 and woodpulp fibers in an amount up to 50% as required by claims 25 and 39."

- **The Heyse reference teaches away from the present claims.**

The courts have stated that a reference that teaches away from a claimed invention is an indication of the nonobviousness of that invention. "A reference, however, must have been considered for all it taught, disclosures that diverged and taught away from the invention at hand as well as disclosures that pointed towards and taught the invention at hand." Ashland Oil, Inc. v. Delta resins & Refractories, Inc., 227 USPQ 657, 666 (Fed. Cir. 1985). "One important indicium of nonobviousness is 'teaching away' from the claimed invention by the prior art." In re Braat, 16 USPQ2d 1813, 1814 (Fed. Cir. 1990). The prior art reference must be considered in its entirety, including portions that would lead away from the claimed invention. See MPEP 2141.02. A "reference will teach away if it suggests that the line of development flowing from the reference's disclosure is unlikely to be productive of the result sought by the Applicant." Winner v. Wang, 202 F.3d 1340 (Fed Cir. 2000) citing Gurley at 553.

- **Applicant's present claims recite use of heated drying cylinders to dry the wet web material.**

Amended claim 34 recites in one pertinent part: "A bonded casing paper comprising . . . cellulosic and synthetic fibres . . . dried using a plurality of heated cylinders . . ." Claims 35 and 37-41 depend directly from claim 34 and also include this feature. New claim 45 recites in one pertinent part: "drying the bonded base web using a plurality of heated cylinders . . ." Claims 46-53 depend directly from claim 45 and

include this feature.

- **Applicant's specification teaches away from use of the Heyse drying process.**

Applicant's specification at page 3, lines 4-12 teaches, with bracketed text added:

> It has been suggested that a "through drier" would overcome the profile problem (see U.S. Patent No. 3 822 182 [Heyse]); such a drier does create a more uniform profile but again, because of the comparatively high drying restraint, the product lacks elongation. There is hence still a need in the art for a casing paper with a reduced CD wet expansion profile but which can be produced whilst still using a multi-cylinder drying regime and thus retaining the advantages of that method.

- **The Heyse reference teaches away from use of heated cylinders to dry the web.**

The Heyse reference discusses use of "drying cans or drums" to dry a wet web and the problems inherent with that drying method. See column 1, line 47 to column 2, line 22). The Heyse reference is directed to a drying process NOT using heated cans or drums, e.g. heated cylinders, that restrains the wet web while passing hot air through the restrained web. See column 4, line 69 to column 5, line 3. It is an object of the Heyse invention to provide "a method of drying porous tissue web material . . . by means of a single through drying unit capable of restrainably holding the web material during its entire drying cycle. See column 2, lines 52-56. The Heyse reference teaches, with bolding added, that it is "**essential** in accordance with the present invention that the restrained conditions be maintained in a continuous and uninterrupted manner as the web is dried . . ." See column 5, lines 35-37. The Heyse Examples 1-3 distinguish the inventive material (samples 1-3) dried by restrained air percolation as being superior to material dried on conventional can dryers (sample A). In sum, the object of the Heyse reference, and an essential part of the Heyse invention, is to NOT use heated cylinders to dry a web.

The Office communication admits that the Wielockx reference does not disclose all of the features or Applicant's claims. The Heyse reference explicitly teaches away from features of Applicants claims. Claims 34-35, 37-41 and 45-53 are not obvious over the Wielockx and Heyse references, singly or in combination, and are patentable for at least this reason.

- **There is no suggestion or motivation to combine the Wielockx and Heyse references.**

A reference that teaches away from a claimed invention does not provide the suggestion or motivation needed to anticipate or make obvious a claimed invention. "A reference, however, must have been considered for all it taught, disclosures that diverged and taught away from the invention at hand as well as disclosures that pointed towards and taught the invention at hand." Ashland Oil, Inc. v. Delta resins & Refractories, Inc., 227 USPQ 657, 666 (Fed. Cir. 1985). "One important indicium of nonobviousness is 'teaching away' from the claimed invention by the prior art." In re Braat, 16 USPQ2d 1813, 1814 (Fed. Cir. 1990). The prior art reference must be considered in its entirety, including portions that would lead away from the claimed invention. See MPEP 2141.02. A "reference will teach away if it suggests that the line of development flowing from the reference's disclosure is unlikely to be productive of the result sought by the Applicant." Winner v. Wang, 202 F.3d 1340 (Fed Cir. 2000) citing Gurley at 553.

- **There is no motivation to combine the Wielockx and Heyse references as the Heyse reference teaches away from use of heated cylinders to dry the web.**

The Office communication admits that the Wielockx reference does not disclose all of the features or Applicant's claims. As discussed above the present claims recite the use of heated cylinders to dry the wet web. As also discussed above the Heyse reference explicitly teaches away from use of heated cylinders to dry a wet web. Under

relevant legal jurisprudence there is no proper motivation to combine the Wielockx and Heyse references.

Claims 34-35, 37-41 and 45-53 are not obvious over the Wielockx and Heyse references, singly or in combination, and are patentable for at least this reason.

- **The Examiners assumption concerning the physical characteristics of the web material in the cited references is contrary to the Examiner's cited references and is NOT correct.**

The Office communication at page 15 states: "Although Wielockx does not specifically teach drying by means of a plurality of heated cylinders, the Examiner submits that the product limitations of the claim are met. It should be noted that the method of forming the product given that the product is structurally the same is not germane to the issue of patentability of the product."

The Examiner's cited Heyse reference explicitly teaches that the same web material dried using two different methods (Example 1, sample A dried using heated cylinders and samples 1-3 dried using restrained percolation) have DIFFERENT properties. The Examiner's cited Kastl reference teaches that the elimination of a heated cylinder drying step is required to achieve that invention. See column 11, lines 35-43 therein. Applicant's specification at page 1, line 13 to page 2, line 4 and page 2, line 25 to page 3, line 12 also discusses the different expansion profiles that can result from using different methods to dry the same web. In sum, the Examiner's assumption is CONTRARY to the Examiner's own references and is NOT correct. Based on the Examiner's cited references the same web material dried using different processes will have different characteristics.

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In summary, Applicants have addressed each of the rejections within the present Office Action. It is believed the application now stands in condition for allowance, and prompt favorable action thereon is respectfully solicited.

The Examiner is invited to telephone Applicant's attorney if it is deemed that a telephone conversation will hasten prosecution of this application.

Respectfully submitted,

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